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Homeland Security

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**An Address before the
National Press Club
by
U.S. Representative David Obey**

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Well, thank you very much, and good morning. First of all, let me apologize for planning to talk about something other than Trent Lott. I know that people are always more interesting than substance, but just for the heck of it, I thought I'd talk about substance anyway this morning.

Also, let me say that rather than describing my speech as "A Failure to Defend the Homeland," I think I would rather call it, "Defending the Homeland, a Bad Case of the Slows." And I think that more accurately describes what the White House is doing, or actually not doing, besides arranging the sirens to drown out my voice this morning.

Now, for six months, the Administration has been leading the country to believe that they are covering every base in the war against terrorism, and that elements in Congress have been slow to meet that challenge. In fact, the picture is quite different, and that's what I want to talk about today.

When we talk about the war on terrorism, we're talking about two different efforts. One is offense, finding the bad guys and stopping them before they've had a chance to attack. That's the responsibility primarily of the CIA, the Defense Department, the Foreign Service. The second is defense, stopping the attacks until we have the ability to stop the attackers. I'm concerned that neither of these efforts is proceeding as well as the American people have a right to expect.

General Myers, Chairman of the Joint Chiefs of Staff, told a gathering at Brookings last week

that the U.S. military is losing momentum on the war on terrorism. Retired Army Colonel Andrew Krepinevich, director of the Center for Strategic and Budgetary Assessments, recently noted the continuing instability in Afghanistan and the lack of strong counter-terrorism relationships between the United States and countries such as Malaysia and Indonesia.

George Tenet, the CIA director, told the Senate Select Committee on Intelligence in October, quote, "You must make the assumption that al Qaeda is in an execution phase and intends to strike us both here and overseas. That's unambiguous as far as I'm concerned," he said.

The bottom line is that after 14 months, we have failed to find and kill bin Laden. We have failed to apprehend the majority of the senior al Qaeda leadership. We also know that continuing problems in the Middle East, the U.S. threat toward Iraq, the ability of al Qaeda to sustain itself in the face of massive U.S. retaliation, and the emergence of a free, uncensored Arabic television network has further excited the imagination of young Islamic radicals and created many new recruits.

The decision to prepare for military action against Iraq forces us to make difficult choices about the use of our assets, choices that further complicate our offensive against al Qaeda. Good military strategists and planners, for instance, are always in short supply, and when we do two things at once, they are very badly stretched. Our capacity to observe and listen for enemy activity through the skies and over the airways is finite. Our skilled Arabic translators are extremely limited in number. We have shortages in a number of specific types of equipment that are needed in both Afghanistan and Iraq. In short, our growing focus on Iraq will unquestionably degrade our efforts against al Qaeda and even official sources are already acknowledging those efforts are faltering. And if you doubt that one has an impact on the other, I invite you to talk to some of the people deep in the agencies who I've talked to.

The failure to destroy al Qaeda's capacity to attack makes rapid improvement of our own defense efforts, our homeland security efforts, if you will, even more important. I wish I could report to you that significant progress is now taking place, but I cannot. What Martin O'Malley, Mayor of Baltimore, said last spring is perhaps more true today than it was when he said it. This is what he said: "Today, we're fighting a different kind of war on two fronts. One is Afghanistan, where we have the best technology, the best equipment, the best intelligence being sent right to the front, and no expense is spared. But for the first time in nearly 200 years, the second front is right here at home, and to date it's where we've seen the greatest loss of life. Yet we have insufficient equipment, too little training, and a lack of intelligence-sharing with federal authorities." End quote.

Instead of engaging in an open-minded analysis and discussion about what resources our front-line defenders need to perform their tasks, we have instead seen our attention diverted to a tedious debate over the structure of our bureaucracy. The debate has produced a behemoth of a department. It has hundreds of responsibilities not associated with defense of the homeland, but at the same time, no authority over the responsibility for the vast majority of government activities necessary for protecting the public. Of the 133 agencies that previously had some responsibility for homeland security, the reorganization takes 22 of them, not including the FBI and the CIA, labels them homeland security agencies, and asks us to believe that that is the major issue at hand. At best, that new agency title is a misnomer, and at worst, it could actually hamper our homeland protection efforts, for obvious reasons.

Meanwhile, the essential question of what do our defenders need and when do they need it has not been addressed. Activities critical to blocking terrorist actions continue to hobble along, with resources that in many instances are only negligibly greater than the levels available before 9/11. And in almost all instances, those resources are totally inadequate for the task at hand. As a result, the level of protection that's provided to the American people today, or will be provided three months from now, or six months or a year from today, is much lower than what might have easily been provided.

As you know, two months ago, a blue ribbon panel of the Council on Foreign Relations concluded, and I quote, "A year after September 11th, America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil." They urged, quote, "Acting on the critical issues targeted in this report with the kind of urgency our wartime footing mandates, would contribute significantly to U.S. security in the months and years ahead. The nation's leaders in Washington, state capitals, counties, city halls, and board rooms," they said, "should be working overtime to address them right now."

I think it useful to simply evaluate what we have done and where we are headed based on the four Hart-Rudman Commission criteria.

Criteria number one of that commission was tap the eyes and ears of local and state law enforcement officers in preventing attacks. Make first responders ready to respond.

The task force cited a survey by the U.S. Conference of Mayors that found that 79 percent of mayors reported a funding shortfall for necessary threat detection equipment, 77 for emergency response equipment, and 69 percent for personal protective apparel. Eight-six percent said they did not have enough adequate personal protective apparel, and only 10 percent were satisfied with the protective equipment that they had in the event of a biological attack.

The task force found that lack of adequate equipment was affecting performance in four major areas: communications, protective gear, detection equipment, and training. That security gap, in my view, is rooted right in the White House. Last December, the Administration made no request for additional funds for first responders, and I'd like to tell you a little story about that.

Last fall, when anthrax hit the Capitol and we were locked out of our offices, Appropriations Committee Chairman Bill Young and I and our top staffers used that time to meet with virtually every security agency in this town -- NSA, CIA, FBI, HHS, CDC, you name it. We asked each of them what resources they needed immediately. Our staff compiled a list. We agreed to drop any item that both sides of the aisle did not agree to. We stripped the request down to the bare essentials, and when that was done, I then asked my staff to cut the remaining list in half to make sure there would be absolutely no soft stuff. Bill Young, Ted Stevens, Bob Byrd and I, and the congressional leadership then went down to the White House to talk to the President.

The President walked into the Cabinet Room, said hello, sat down, and then said roughly this: I understand some of you may want to spend more money on homeland security than we've requested, but my good friend Mitch Daniels here assures me that our request is adequate. I want to make it clear that if Congress appropriates one dollar more than we've requested, I'll veto the bill. He then went on to say, now I've got time for four comments or so, and then I have to be out of here.

When the President called on me to comment, I told him roughly this: I said, Mr. President, this is the first time in 30 years that I've been coming down here that any President has told me his mind was closed before the subject was even opened. You've been blunt, and I will too. I then explained to him that the list of items that we wanted to talk to him about were requests by his own agency people, not ours. I told him that we were willing to structure the bill so that any of the items he objected to would not have to be funded. I then raised security concerns about a number of specific federal facilities that we had been told by his own agency people were

vulnerable to terrorist attacks and asked if he had been briefed on those by his staff. The information on some of them was highly classified. If he had been briefed, he gave no indication of it.

I told him could not believe that we would have any appreciable disagreement about these items, and that we would throw out any item that he had any objection to. But there was no give and no discussion of the items from his side of the table. We wanted to add about \$8 billion. Ultimately, despite the President's veto threat, we wound up adding about \$4.5 billion to the Administration request, including a little more than \$500 million for first responders in that bill. But we were forced to cut back funds needed in other areas in order to do that. It was far less than local police and fire departments needed to even begin the process of buying the necessary equipment, and to date, that is the only money they have received.

The same needless confrontation was repeated last summer, and the impasse the ensued held up passage of the spring supplemental until the end of July. Again, the White House requested no first responder funds and insisted that none be included. Again the Congress was forced to scale back funding. We provided local police and fire departments with assistance only by cutting back on funding for security activities in other areas.

Lengthy negotiations produced an overall spending level for the supplemental that the President agreed to. It permitted \$251 million total assistance for local police and fire departments to buy the equipment that was most critically needed. Despite the White House agreement that the overall spending level in the bill was acceptable, the President then used special budget authorities and refused to allow \$2.5 billion in emergency homeland security funds that the Congress appropriated on a bipartisan basis to be spent. This included all of the \$251 million for first responders.

Now, the rigid opposition of the White House to first responder funds in fiscal 2002 -- or 2002 -- is even more mystifying to me, considering the fact that the President did request that Congress appropriate \$3.6 billion for first responders in the fiscal 2003 appropriation bill. The apparent position of the White House is that they are not opposed philosophically to providing such assistance, and they are not opposed to providing it in large amounts. They are simply opposed to fire and police departments getting it too soon.

The willingness of this Administration to leave the public and first responders at risk longer than necessary by delaying the ordering of needed equipment was illustrated again this fall when the White House signed off on a plan for Congress to leave town without passing key appropriation bills. And only last week, the Justice Department announced that the \$651 million for first responders provided by the temporary stop gap continuing resolution would be frozen while the White House argues for its own plan on how to reshape the way the money is distributed.

The point is simply that more than a year ago the Congress could have provided the money needed for inter-operable communications equipment, protective suits that would allow first responders to enter chemical or biological attack areas, detection devices, and training on how to respond to potential attacks. Plans could have been developed. Orders could have been placed. Manufacturers could have known what demands they would need to meet. We could have proceeded much more rapidly and systematically towards having the necessary equipment on the front lines. We could have moved a long way in the direction we all know we must go. Instead, we are nearly as unprepared today as we were a year ago.

Very few states or municipal fire and law enforcement agencies have even a fraction of what

they need to effectively respond. In the words of the Hart-Rudman Commission, quote, "We are dangerously unprepared." End quote.

Criterion number two of Hart-Rudman was to make trade security a global priority. Robert Bonner, Commissioner of the U.S. Customs Service, said this in August. Quote, "There is virtually no security for what is the primary system to transport global trade. The consequence of a terrorist attack using a container would be profound. If terrorists used a sea container to conceal weapons of mass destruction and detonated it on arrival at a port, the impact on global trade and the global economy could be immediate and devastating. All nations would be affected. No container ships would be allowed to unload at U.S. ports at such an event." End quote.

The task force said this, "Ninety-five percent of all non-North American U.S. trade moves by sea and arrives in 361 ports around the nation. Despite the vital role seaports play in linking America to the world, both economically and militarily, port vulnerability studies of the nation's 50 largest ports are not scheduled to be completed for more than five years." End quote.

Now, there are about 11 million 40-foot steel boxes in the world that are used for shipping. On average, each of those boxes is loaded and unloaded about 10 times a year. Twenty-one thousand arrive in U.S. ports every day. The potential that one of these containers could be used as a weapon is enormous. Such an event would have two cataclysmic impacts. First, it could kill thousands of people, damage property and critical infrastructure. Second, it would have enormous consequence if, as the task force claims, 95 percent of non-North American trade travels by ship. And if one of those containers is used as a bomb, the impact on all international trade would be similar to the impact of 9/11 on the American airline industry. In short, we would be talking about a global depression.

Three key government entities have a central role in protecting our port security and maritime trade: the local port authorities, the Coast Guard and the Customs Service, and to a lesser extent, the Immigration Service and the FBI. None of them have the resources they need to do the job. Last December, we tried to add \$200 million for initiating threat assessments by local port authorities. Again, because of White House veto threats, our proposal, which was modest to begin with -- too modest -- had to be cut by more than half. The 93 million that was included covered only a fraction of the more than 800 million in proposals for threat assessment work that had been submitted to the Department of Transportation by the nation's port authorities.

Again in July we tried to address the shortfall in the supplemental. Because of White House opposition, we trimmed a \$200 million proposal to \$125 million. But because of the President's refusal to allow the funds to be spent, none of that money ever reached the ports, and the Administration has requested no money for port authorities in the regular fiscal 2003 bills.

And we see a similar pattern with the Coast Guard. Today we do not have the kind of automated harbor control systems that we should have in most American ports. We do not have the necessary personnel to do the number of boardings we should be doing and to confront the major risks out at sea rather than after they arrive in our ports. In most of our ports, we don't even have harbor patrol craft with weapons capable of stopping a U.S.S. Cole type attack. Even worse is the fact that the Coast Guard has been ordered not to discuss their needs with the Congress. The Coast Guard appropriation is still hung up in budget disputes. The funds we provided -- that the Appropriations Committee would have provided the Coast Guard in the House and Senate appropriation bills may have to be significantly cut to fit under the overall spending targets now under discussion.

But the biggest problem is with the Customs Service. The new director of the Customs Service, appointed by this White House, has put forward a program that he calls "The Container Security Initiative." It is eminently sensible approach to a very dangerous problem. He wants the Customs Service to start screening this ships and containers before they are ever put on a ship headed to the United States. He wants to have strong collaborative arrangements with foreign ports and customs police so we can better identify the high risk cargo. He also wants better equipment for measuring radioactivity and examining containers once they've alive -- or once they've arrived. It's not extremely expensive, but it also isn't free.

The President has done press events and photo opportunities in support of this effort. He's appeared in ports. He's made speeches. The only thing he has not done is to ask for so much as a dime to pay for it. A year ago, he did not ask for funding for a single additional inspector or a single piece of screening equipment.

In the supplemental, we proposed \$310 million for additional inspectors and inspection equipment. White House pressure forced that amount down by 46 million. In the spring supplemental, the White House requested no additional money for container security. We proposed \$57 million for the director's new Container Security Initiative. White House pressure again forced that number down to 39 million, but once again the President refused to spend the money after he had signed the bill. He has no funds in his budget for the Container Security Initiative. The container initiative is simply a common sense approach to attempt to limit the opportunity of terrorists to use these 40-foot containers. We will still only be checking under -- we'll still only be checking about two percent of the 21,000 boxes, but we would have more confidence that we're checking the right two percent.

Because of time, I'm not going to go on at length about the other two areas in the Hart-Rudman report other than to say that our budget problems are similar. One of those concerns is the ability of our health system to respond to chemical and biological threats at a time when state

governments are facing a \$67 billion revenue shortfall collectively and desperately need federal support to meet their responsibilities in this area.

More than 90 percent of the money to help state and local health departments meet the chem-bio threat was added over the President's objections. The same was true for the funds needed to get hospitals ready to meet the unique challenge posed by chemical and biological attacks.

The same is also true for the money needed to allow our National Institutes of Health to look at how to better detect and respond to germ warfare. We had to fight for funds to protect critical infrastructure, and some of that money went unused because the White House refused to release it.

We also had and are continuing to have large and dangerous shortfalls in a whole range of areas that the Hart-Rudman task force didn't even delve into. Example: Modernization of the computer system at the FBI, training of Arabic speakers and translators, protection of radioactive materials, more effective means of targeting and tracking down the most potentially dangerous illegal aliens, expanding the capacity of law enforcement training centers.

All of those things take money. All of them are time-sensitive. All of them are areas where the Congress attempted to add funds and the White House opposed those additions, usually on more than one occasion.

Going back to one example, we found out after the anthrax attack that almost 50 percent of FBI computers could not even send a picture of a suspected terrorist to another FBI computer around the country. And the White House resisted and objected to our efforts to include funds to change that. We overrode that objection, which is why that's now being fixed.

In the first supplemental that we considered a year ago, we asked for \$12.4 billion for all homeland security items. In the end, we had to settle for \$3.8 billion less because of the White House resistance. In the second supplemental, Democrats pushed for more than \$8 billion total in support of homeland security needs. We were forced to pare that down to \$6.7 billion, and the President then refused to spend \$2.5 billion of that amount.

And finally, we have yet another funding problem that's impacting homeland security activities, because the President agreed to let the Republican leaders in Congress leave town without passing the regular appropriation bills.

Many key agencies are now functioning at a level that is well below even the amount requested by the President. That is affecting our ability to hire needed personnel in federal law enforcement agencies in the Coast Guard and the Customs Service and in responding to bioterrorism.

The stopgap continuing resolution now in effect is funding bioterrorism activities at a rate \$2.3 billion below even the President's request. The first-responder programs, which I spoke of

earlier, are also heavily impacted. They're operating at a rate \$2.5 billion below even the President's request. Beyond that, the Department of Justice is refusing to release the funds that the stopgap spending measure did make available.

To me, whether or not the researchers in the labs or the Customs inspectors on the dock had the resources to do the job is much more important in my mind than which undersecretary the director of the Customs Service reports to.

While we have spent most of the last six months worrying about the second question, the American people and even much of the policy community are woefully unaware of the very bad choices we're making with regard to the first.

For the last six months, the Administration has needlessly and outrageously politicized the homeland security issue. Republicans and Democrats alike on the Appropriations Committee in the House and Senate have been working cooperatively since 9/11.

Within a week of the disaster, we provided the President with a \$40 billion response package, and we worked without regard to party to figure out what other financial support the frontline agencies required.

Meanwhile, the political shop at the White House worked overtime to implant in the public's mind the false impression that they have been the beleaguered national champion for homeland security and have suggested that those who have honest questions about the detail of their bureaucratic reorganization package were putting the nation at risk.

The facts are quite different. The public has been diverted into watching a diversionary and largely marginal debate about the shape of the homeland bureaucracy chart. They asked us to believe that putting 22 of the 133 agencies with some responsibility for defending the homeland into a new homeland security agency is the homeland security issue, despite the fact that 111 agencies, including the FBI and the CIA, are left outside the tent. Pardon me if I do not swoon.

Meanwhile, the real issue, the amount we are willing to invest in critical activities to defend the homeland, has been made needlessly confrontational by the White House budget office.

And two successive bipartisan attempts to dedicate additional billions of dollars for something other than tax cuts for items such as additional support for first responders, better port security, a more aggressive effort to safeguard nuclear material at home and abroad, modernizing the FBI computer system, have been rebuffed, stunted and blocked by the White House budget office.

The report to the Hart-Rudman Commission and every conversation we've had with state, local, and federal authorities who are charged with the responsibility of protecting the home front make clear that shortchanging these activities puts the nation clearly at unacceptable risk.

Now that the election is behind us, let's hope that the White House will work with both parties in Congress on this issue with an absence of politics, arrogance or stubbornness on either side. Instead of being locked into a perpetual send mode, we should all be in a listening mode. The country we save just might be our own.